

Order Modifying Ex Parte Order

Use this form after a hearing on an objection to an ex parte domestic relations order for support, parenting time, or custody.

(Form FOC 62)

ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|--|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | Get the judge's signature? (NOTE: See pages 4-6 for details) | YES <input type="checkbox"/> |
| 4. | Return to the clerk's office with all copies of the signed order? | YES <input type="checkbox"/> |
| 5. | Make sure the clerk stamps all copies of the signed order? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the signed order for yourself? | YES <input type="checkbox"/> |
| 7. | Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? | YES <input type="checkbox"/> |
| 8. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

If you cannot answer "yes" to all of the above steps, you do not have a valid order.

By using this form packet you are representing yourself in a court action regarding support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you what you want. If you filed the objection/motion form FOC 61, you are responsible for preparing the order even if it is not what you asked for.

If you have any questions about any steps in the process, refer to pages 4 through 6 for details.

INSTRUCTIONS FOR USING FORM FOC 62 ORDER MODIFYING EX PARTE ORDER

»» SIGNING AND FILING OF AN ORDER

1. Fill out the Order form.

Normally you will fill out the order at the hearing on the objection. Use the instructions on the form. Be careful not to make mistakes. Before completing this form you will need to know the following information:

- Who is the plaintiff and who is the defendant
- The date the hearing was held
- Name of the Judge or Referee
- Who is going to have legal and physical custody
- What are the new parenting time arrangements
- New support amount and amount per child
- Overdue support payment plan, if any
- Any changes in the health care provision
- Other changes ordered by the Judge or Referee
- Date the new order starts

Make copies of the form based on the instructions in this booklet or in booklets for forms FOC 53 or FOC 54 depending on your situation.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Call the friend of the court office and ask them if the order must be approved by them. Then do either step a. or b. below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with 6 copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call them to find out when to pick up the order. Go back and pick up the order. Then do step 3. below.
- b. If the order does not need to be approved by the friend of the court, do step 3. below.

3. Get the Order signed by the judge.

After you have filled out the order, you have to get it signed by the judge one of the following ways:

- You can fill out the Order at the time of the hearing and ask the Judge or Hearing Officer to sign it then.
- You can fill out the Order after the hearing, get the other party's signature, and take or mail the Order to the Judge or Referee for signature.
- If the other party will not sign the Order, you will need to schedule another hearing.

If both you and the other party sign the order to show you both approve the order, then follow the remaining steps in this booklet for further instructions on getting the order signed by the judge. Otherwise you must do either of the following:

- a. Schedule and attend a hearing to get the order signed.
(Use packet for Form FOC 53, Notice of Hearing to Enter Order)
- b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed.
(Use packet for Form FOC 54, Notice to Enter Order without Hearing)

4. Get the Order to the judge.

Since the other party or third party has signed the order, contact the friend of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions for getting the order signed. Every circuit has a different way of handling the signing of orders. Ask when to come back for the signed order. If the signed order is sent to the county clerk by the judge, you won't have to pick it up.

5. Pick up the signed order.

If the other party or third party signed the order and you dropped it off for the judge's signature, go back and pick it up on the day and time you were told unless the judge sends the signed order to the county clerk for you. If you have to pick up the order, make sure you pick up all 6 copies of the order.

6. Return to the county clerk.

Once you have the signed order (FOC 62), bring all 6 copies with you. The clerk will stamp the order, keep 2 copies and return the other 4 copies to you. The county clerk will deliver 1 copy to the friend of the court.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be served with (notified of) 1 copy of the signed order.

NOTE: Serve the papers by mailing them to the other party by regular, first class mail.

What you need for service:

- 1 Copy of FOC 62 - for the other party
- 2 Copies of FOC 62 - for proof of service
- Any additional copies of FOC 62 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the order and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The clerk will deliver 1 copy to the friend of the court.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

ORDER MODIFYING EX PARTE ORDER

CASE NO.

Friend of the Court address

Telephone no.

Plaintiff's name, address and telephone no.

Please print or type information.

Attorney:

v

Defendant's name, address and telephone no.

On _____ ,
Date of Hearing

Circuit court judge/Referee

found that the ex parte order should be modified.

Attorney:

IT IS ORDERED:

1. ☐ Custody ☐ Parenting time ☐ Support is changed to:

☐ 2. Other (see attached)

3. The changes made in this order shall start on _____ .
Date

4. Except as changed in this order, all other provisions of the ex parte order shall remain in effect until further order of the court.

Plaintiff's signature (approved as to form and content)

Defendant's signature (approved as to form and content)

Date

Circuit court judge

Bar no.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY****ORDER MODIFYING EX PARTE ORDER****CASE NO.**

Plaintiff's name, address, telephone no., and social security no.

v

Defendant's name, address, telephone no., and social security no.

2. Other (continued).